

AN ORDINANCE AMENDING CHAPTER
91 OF THE CITY OF FORT WAYNE
CODE OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 91 of the City of Fort
Wayne Code of Laws be amended as follows:

CHAPTER 91

ANIMAL CONTROL

GENERAL PROVISIONS

§ 91.001 DEFINITIONS.

For the purpose of this code, the following definitions
shall apply unless the context clearly indicates or requires
a different meaning:

ALTERED ANIMAL. An animal that has been operated on to
prevent it from procreating.

ANIMAL. Any living vertebrate, domestic or wild, except
a human being.

ANIMAL CONCESSION. Any person, group of persons, partne-
rship, or corporation who for compensation has any animal
available for hire or on display.

ANIMAL CONTROL COMMISSION. The Animal Control Commission
shall be an advisory Commission with regard to policy and
fiscal decisions affecting the Department of Animal Control.

ANIMAL WELFARE ORGANIZATION. Any not-for-profit organiz-
ation for the prevention of cruelty to animals incorporated
under state laws.

AUCTION. Any place or facility where animals are reg-
ularly bought, sold or traded, except for those facilities
otherwise defined in this chapter or by state law.

BREEDER. Any person who intentionally or accidentally
causes the breeding of a cat or dog or makes a cat or dog

1 available for breeding purposes, or any person who offers for
2 sale, sells, trades, receives other compensation or gives away
3 any litter of dogs or cats; excepting a litter of dogs or cats
4 taken to the Department of Animal Control.

5 CATTERY. Any person or group of persons, partnership or
6 corporation engaged in keeping more than three unaltered cats.

7 CIRCUS. A commercial variety show including animal acts
8 for public entertainment.

9 COMMERCIAL ANIMAL EXHIBIT. Display or show of wild or
10 domestic animals in a shopping center, retail establishment,
11 adjacent lot, or elsewhere, for the purpose of promoting
12 retail sales.

13 DEPARTMENT OF ANIMAL CONTROL or DEPARTMENT. The
14 municipally owned facility established for the purpose of
15 animal control, care and disposition, as set forth in this
16 chapter, operated by and under the direct supervision of the
17 Director of the Division of Public Safety and the Shelter
18 Manager.

19 DIRECTOR. The Director of the Division of Public Safety
20 for the city.

21 GROOMING SHOP. A commercial establishment where animals
22 are bathed, clipped, plucked or otherwise groomed.

23 GUIDE DOGS. Dogs trained to assist the handicapped.

24 KENNEL. Any person, group of persons, partnership or
25 corporation engaged in keeping more than three unaltered dogs,
26 or the business of boarding, or training for a fee, or
27 grooming.

28 MICROCHIP IMPLANT. A passive electronic device that is
29 injected into an animal by means of a pre-packaged sterilized
30 implanting device for purposes of identification and/or the
31 recovery of animals by their owners.

32 MICROCHIP READER. An electronic device that detects any
implanted microchip.

OWNER. A person having the right of property or custody
of a dog or cat or who keeps or harbors a dog or cat or

1 knowingly permits a dog or cat to remain on or about any
premises occupied by that person.

2 PERSON. An individual, firm, corporation or commercial
3 establishment.

4 PET. Any animal owned or harbored by any person, group of
5 persons, partnership or corporation, except guide dogs, or
6 police or canine governmental dogs.

7 PET SHOP. Any person, group of persons, partnership or
8 corporation, whether operated separately or in connection with
9 another business enterprise, except a licensed cattery, kennel
10 or breeders, that buys, sells or offers for sale any species
11 of animal.

12 PUBLIC NUISANCE. Any animal which:

- 13 (1) Interferes with passersby or passing vehicles.
- 14 (2) Attacks other animals or persons.
- 15 (3) Trespasses on school grounds.
- 16 (4) Is repeatedly at large or unrestrained.
- 17 (5) Damages private or public property.
- 18 (6) Barks, whines, howls or makes other sounds
19 common to its species in excess.

20 RABIES VACCINATION. The injection, by a licensed
21 veterinarian, of a dog, cat or other animal with a rabies
22 vaccine licensed by the U.S.D.A. and approved by the Indiana
23 State Board of Animal Health.

24 RESTRAINT. Any animal secured by a leash or lead, or
25 under the physical control of the animal's owner or attending
26 party, or within the real property limits of its owner.

27 RIDING SCHOOL or STABLE. Any place which has available
28 for hire, boarding or riding instruction, any horse, pony,
29 donkey, mule or burro.

30 RODEO. A performance featuring bronco riding, steer
31 wrestling, calf roping, greased pig contest or bull riding.

32 SHELTER MANAGER. The Shelter Manager for the Fort Wayne
Department of Animal Control.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL. Any living vertebrate animal normally found in the wild state.

ZOOLOGICAL PARK. Any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of non-domestic animals, operated by a person, partnership, corporation or government agency.

§ 91.003 SCHEDULE OF FEES FOR DEPARTMENT OF ANIMAL CONTROL.
Section 91.003 (A) of City of Fort Wayne Code of Ordinances is amended as follows:

(A) The fee schedule for the Department of Animal Control is hereby approved and ratified as follows:

<u>Return to Owner</u>	<u>City</u>	<u>Non-City</u>
First redemption	\$ 10	\$ 15
Second redemption	25	30
Third redemption	75	80
Fourth and subsequent redemption(s)	75	80
Daily boarding fee after third stray day*	7	9
Medical	5	5
Trap deposit	25	N/A
rental (per day)	1	N/A
Pick-up owned animal	10	N/A
Euthanasia (B-60)	10	25
10 day Quarantine (per day)	5	7
After quarantine period (per day)	7	9
Microchip Fee	10	10
Adoption	50	55

Impounds

Reasons of fire, death,
accident, acts of God, etc. n/c for three days after
notification to pick-up
animal then \$7 per day
(\$9 per day for county)

Reasons of arrest, seized
for abuse, cruelty,
abandonment, court \$7 per day (with \$7
cases, etc. minimum) (\$9 per
day for county)

Replacement pet permit
(all classifications) 2 N/A

UPS shipping 4 25

*Owner's request that Animal Control hold stray animal longer
than the three day stray period must be approved by
management.

§ 91.034 DANGEROUS ANIMALS PROHIBITED.

Section 91.034 (A) (1) of the City of Fort Wayne Code of
Ordinances is amended as follows:

(A) Ownership/possession prohibited. No person shall
own, keep, or harbor a dangerous animal within the city;
provided, this section shall not apply to animals under the
control of a law enforcement or military agency. For the
purpose of this chapter, an animal may be declared dangerous
by the Shelter Manager if the animal exhibits vicious behavior
in present or past conduct, including but not limited to:

(1) (a) Evidence that the animal has, without
provocation, bitten or attacked a person and/or animal three
times in a consecutive 12-month period; or

(b) Did bite or attack, once causing wounds or injuries creating a potential danger to the health or life of the victim; or

(c) Could not be controlled or restrained at the time of a bite or attack upon an animal or person; or

(d) The animal has been microchipped by a licensed veterinarian or the Department of Animal Control for the purpose of determining a positive occurrence of a prior bite or attack; and

(2) That in order to preserve the public health, safety and welfare of the community the destruction of said animal is necessary.

§ 91.035 BITING ANIMALS; REPORT; PROCEDURE.

Section 91.035 (B) of the City of Fort Wayne Code of Ordinances is amended as follows:

(B) (1) During the quarantine period, the owner must provide a current rabies vaccination certificate for his or her cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before release.

(2) If the animal is quarantined at the shelter a microchip shall be implanted in it prior to its release from quarantine. The animal shall be registered for its life with the Department of Animal Control. The cost of the implant shall be at the owner's expense before release.

(3) If the animal is quarantined in a place other than the shelter, as determined by the Department of Animal Control, a microchip shall be implanted in it within 30 days following the animal's release from quarantine. The animal shall be registered for its life with the Department of Animal Control. The cost of the implant and registry shall be at the owner's expense.

(4) The microchip, used for these quarantine provisions, shall be numbered. This number will provide entry

into a data base that contains the animal's bite history. The microchip shall be contained in a sterilized implanting device and shall be individually packaged.

(5) The microchip and its corresponding registration history shall be considered prima-facie evidence for any future dangerous animal determination in accordance with Section 91.034 Dangerous Animals, of this ordinance.

§ 91.050 PET REGISTRATION REQUIRED; EXCEPTION; TAGS; MICROCHIP IMPLANT

(A) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six months must obtain a pet registration for such animal; provided, however, that no pet registration shall be required of any animal welfare organization, municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary registration tags.

(B) A durable tag stamped with registration number and year of issuance will be provided to pet registration holders for each registration granted. Dogs and cats must wear their tags at all times on their collars, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

(C) Any person owning any dog or cat may, in addition to the animal's registration, obtain a microchip implant for the dog or cat. In no case shall the microchip implant replace the requirement for the annual registration of a dog or cat with the Department of Animal Control

(D) Any person owning any dog or cat which has been implanted with a microchip shall transfer the microchip registration with the Fort Wayne Department of Animal Control upon sale, trade, barter, gift or transfer of the animal.

§ 91.051 APPLICATION FOR REGISTRATION; OR PERMITS OR
MICROCHIP IMPLANT

(A) Application for registration or permits may be made at the Department of Animal Control or designated facility, or by mail, and shall include the name, address of applicant, type of permit applied for, number and description of animal(s), proof of rabies vaccination, information regarding sterilization and appropriate fee.

(B) Registration and permits are to be issued for a term of one year, commencing with the date of issuance. Microchip implants may be registered for the life of the animal with the Department of Animal Control.

(C) Upon issuance, the Department of Animal Control shall issue a registration or permit in written form which includes the number of the registration or permit, type of registration. In addition, the Department of Animal Control shall issue a durable tag stamped with the registration number and year of issuance for each pertinent registration. Additionally, a durable tag will be issued for an animal that has received a microchip implant upon national registration by the pet owner. The tag will have a corresponding number to that of the implanted microchip and will display a national, toll free, 24 hour, 7 days per week telephone number for the purpose of animal and owner identification.

(D) The Department of Animal Control shall maintain records of the identifying registration/permit number.

(E) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat over the age of six months with current pet registration as provided in this section. The owner of any dog or cat, which dog or cat is over the age of six months, must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in § 91.075. No permit shall be issued unless proof of vaccination against rabies is shown at the time of application for the permit. Any owner of

1 such animal who moves into the city for purposes of
2 establishing a residence or residing or who becomes a resident
3 as result of annexation shall have 30 days in which to obtain
4 the permit required by this chapter.

5 **§ 91.056 MINOR BREEDERS PERMIT.**

6 Section 91.056 (A) of the City of Fort Wayne Code of
7 Ordinances is amended as follows:

8 (A) A minor breeder's permit shall be obtained by:

9 (1) Any person who intentionally or accidentally
10 causes the breeding of a cat or dog or makes a cat or dog
11 available for breeding purposes; or

12 (2) Any person who offers for sale, sells, trades,
13 receives other compensation or gives away any litters of dogs
14 or cats; excepting a litter of dogs or cats taken to the
15 Department of Animal Control;

16 (3) Any owner or person having custody of a dog or
17 cat that has delivered a litter or caused the delivery of a
18 litter, who chooses not to relinquish the animal to the
19 Department of Animal Control and also chooses not to have the
20 animal spayed or neutered shall cause the animal to be
21 implanted with a microchip and to register this dog or cat
22 within 30 days of having received notice to accomplish this
23 procedure from the Department of Animal Control.

24 **§91.105 DIRECTOR OF PUBLIC SAFETY/ANIMAL CONTROL COMMISSION.**

25 Section 91.105 (H) (13) of the City of Fort Wayne Code of
26 Ordinances be amended as follows:

27 (H) (13) to provide that all dogs and/or cats
28 released for adoption shall be spayed or neutered, implanted
29 with an electronic microchip, and provisions made for a
30 program to monitor said spay/neuter and microchip plan.
31
32

§91.107 IMPOUNDMENT; REDEMPTION

Section 91.107 (F) of the City of Fort Wayne Code of Ordinances is amended as follows:

(F) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:

(1) Proof of ownership, and

(2) Payment of redemption fee and any other service/medical fees, as approved by the Director.

(3) It shall be mandatory that any dog or cat not displaying a current City pet permit affixed to it's collar, after the effective date of this ordinance, upon its redemption by its owner, and prior to its release by the Department of Animal Control, be implanted with a microchip and registered for purposes of identification and recovery. The cost for this process shall be at the owner's expense before the animal's release.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 3. That this Ordinance shall be in full
force and effect from and after its passage, and any and all
necessary approval by the Mayor and due legal publication
thereof.


Council Member

APPROVED AS TO FORM AND LEGALITY


J. TIMOTHY ~~MCCAULAY~~, CITY ATTORNEY

Read the first time in full and on motion by Ravine, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-23-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Woods & Bluff Young Club

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>5</u>	<u>2</u>		<u>5</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE		<u>✓</u>		
SCHMIDT		<u>✓</u>		
TALARICO	<u>✓</u>			

DATED: 6-13-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 2-16-95 on the 13th day of June, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of June, 1995, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of June, 1995, at the hour of 1:00 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. 7-95-04-15 G-95-05-15

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING THE CITY OF FORT
WAYNE ZONING MAP NO. N-22 Chapter 21 of the

City of Ft Wayne's Code of Laws -

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
DO PASS			<u>Sam Talarico</u>
<u>Sam Talarico</u>			<u>Cletus R Edmon</u>
<u>Mark E. MacQuinta</u>			<u>Alfred J. Henry</u>
<u>Alfred J. Henry</u>			<u>Rebecca J. Ravine</u>
			<u>DEB</u>
			<u>Michael J. Kelly</u>
			<u>Carol J. Long</u>

DATED: 6-12-95

Sandra E. Kennedy
City Clerk

MEMORANDUM

Date: May 15, 1995

To: Common Council Members

From: Belinda Lewis, Director, Animal Control

Subject: Animal Microchipping in Fort Wayne

9-95-05-15

Background

Governmental and Private Enterprise shelters across the country have been enacting animal microchipping and scanning programs over the past several years. Although it is not new, we have waited before pursuing a program in Fort Wayne due to rapid technological advances and lack of compatibility and standardization in the business.

An animal microchip is smaller than a grain of rice. It is injected, just like a vaccine, underneath the skin of an animal at the back of the neck. When the area is scanned with a reading device that uses a radio frequency emission to locate the transponder (microchip), the animal can be identified for immediate owner tracing. The microchip is guaranteed for the life of the animal.

Registry is maintained locally and a national registration fee paid by a pet owner will maintain a lifetime registration in the United States for safe pet return from any scanning shelter in the country.

The microchipping program is not designed to be regulatory and would not affect the pet permit program that carries a rabies vaccine requirement with it for public health and must be renewed annually. The microchip registration is a one time data entry, good for the life of the animal, and may be transferred.

Objectives

Voluntary microchipping performed through area veterinarians to create a base of "chipped" animals in Fort Wayne. Decrease in euthanasia rates. Increased rates of animals returned to owners with little or no sheltering time. A form of identification that cannot be lost, removed, or refuted.

Financing

All hardware (2 walk-by scanners and 8 hand-held scanners), software, support, and upgrades, will be placed with the department by the vendor at no charge. Individual implantation packages will cost the city \$5.95@. The departmental implantation fee by ordinance would be \$10.00 to cover staff time of the implantation. Final cost to the city=\$0.00. Animals who have been microchipped will have an additional \$10.00 fee at the time of adoption or return.

Which Animals Would Be Microchipped

Any animal picked up running at large and not wearing a current city tag will be microchipped upon return to owner. Animals involved in bite cases will be microchipped before release if quarantined at the shelter or may be microchipped by the owners veterinarian after release from a home quarantine. Animals which have been bred, and the owner chooses to keep the animal intact, will be microchipped. All adoption animals will be microchipped before placement.

Program Support: Return to Owner in the Field.

At the time of implementation of the microchipping program, all Animal Control Officers will carry hand-held readers in their vehicles. An animal picked up wearing a current city tag or identified with a microchip **will be returned directly to the owners home** and will not be transported to the shelter. Current redemption fees will apply.

Community Effort/ Veterinary Support

In order for this program to be effective in increasing returns, saving pets, and decreasing sheltering time, it will have to be a community effort embraced by both the city and private enterprise. The Fort Wayne Veterinarians have endorsed the program and the ordinance changes proposed. (See letter of support attached)

Animal Control Commission

The Animal Control Commission has reviewed the technology and the proposed ordinance changes and voted unanimously to support the program as advantageous to the city and it's citizens.

ST. JOE CENTER VETERINARY HOSPITAL, INC.

5818 MAPLECREST ROAD
FORT WAYNE, IN 46835
219-485-1602

DAVID E. THOMA, DVM
ROY A. COOLMAN, DVM
NANCY T. WHITESSELL, DVM
WM. L. CHASTAIN, DVM

April 28, 1995

Fort Wayne City Council Members
c/o City Clerks Office
#1 Main St
Fort Wayne, IN 46802

Dear Council Members:

On Tuesday April 25th, the Fort Wayne Veterinary Medical Association held its monthly meeting here at St. Joe Center Veterinary Hospital. The topic was the implementation of animal microchipping in Fort Wayne.

Belinda Lewis, the director of the Animal Control Shelter met with us regarding various approaches used in other communities and their relative successes. Our association sees many potential benefits for both pet owners and the city should this program be implemented. The increase in animals returned to owners with less or no required sheltering time, decreased pet euthanasia, and the safety factors regarding biting animals are all high points. Additionally, the city would recoup it's costs, ultimately allowing the financial burden from the city aspect to fall only on the expense generating pet owner rather than taxpayers in general.

From a veterinarians aspect, we will have a product to offer our customers to ensure pet owner identification that cannot be removed or refuted. The national database tracing registry will allow our clients to be traced for pet return regardless of our office hours. The loss, theft, or removal of tags will become inconsequential for the microchipped pet.

We have reviewed the proposed city ordinance changes to accommodate an active microchipping effort in our community. We support these ordinance changes in their entirety and urge you to move forward with this progressive endeavor toward responsible and safe pet ownership in Fort Wayne.

Sincerely yours,



William L. Chastain, DVM
President
Fort Wayne Veterinary Medical Association

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Animal Microchipping

DEPARTMENT OF REQUESTING ORDINANCE: Department of Animal Control

SYNOPSIS OF ORDINANCE: Amendments to the Animal Control Section of the City Ordinance supporting the enactment of an Animal Microchipping Program in Fort Wayne.

EFFECT OF PASSAGE: Increased rate of animal return to owners. Decreased euthanasia rates. Decreased sheltering time for animals prior to return to owner. Increased public safety tracking on biting and breeding animals.

EFFECT OF NON-PASSAGE: None of the above would be recognized.

MONEY INVOLVED: Fees to citizens at the time of adoption or redemption would increase \$10.00. See financing on attached memo for explanation of city cost at \$0.00. Possible savings in decreased sheltering time and euthanasia rates but difficult to estimate.

ASSIGNED TO COMMITTEE _____

LEGAL NOTICE

Notice is hereby given that on the 13th day of
June, 19 95, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-95-05-15 --- General
Ordinance No. G-16-95 to-wit:

BILL NO. G-95-05-15

GENERAL ORDINANCE NO. G-16-95

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ation for the prevention of cruelty to animals incorporated
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AUCTION. Any place or facility where animals are reg-
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4 taken to the Department of Animal Control.

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11 adjacent lot, or elsewhere, for the purpose of promoting
12 retail sales.

13 DEPARTMENT OF ANIMAL CONTROL or DEPARTMENT. The
14 municipally owned facility established for the purpose of
15 animal control, care and disposition, as set forth in this
16 chapter, operated by and under the direct supervision of the
17 Director of the Division of Public Safety and the Shelter
18 Manager.

19 DIRECTOR. The Director of the Division of Public Safety
20 for the city.

21 GROOMING SHOP. A commercial establishment where animals
22 are bathed, clipped, plucked or otherwise groomed.

23 GUIDE DOGS. Dogs trained to assist the handicapped.

24 KENNEL. Any person, group of persons, partnership or
25 corporation engaged in keeping more than three unaltered dogs,
26 or the business of boarding, or training for a fee, or
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28 MICROCHIP IMPLANT. A passive electronic device that is
29 injected into an animal by means of a pre-packaged sterilized
30 implanting device for purposes of identification and/or the
31 recovery of animals by their owners.

32 MICROCHIP READER. An electronic device that detects any
implanted microchip.

OWNER. A person having the right of property or custody
of a dog or cat or who keeps or harbors a dog or cat or

1 knowingly permits a dog or cat to remain on or about any
2 premises occupied by that person.

3 PERSON. An individual, firm, corporation or commercial
4 establishment.

5 PET. Any animal owned or harbored by any person, group of
6 persons, partnership or corporation, except guide dogs, or
7 police or canine governmental dogs.

8 PET SHOP. Any person, group of persons, partnership or
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11 or breeders, that buys, sells or offers for sale any species
12 of animal.

13 PUBLIC NUISANCE. Any animal which:

14 (1) Interferes with passersby or passing vehicles.

15 (2) Attacks other animals or persons.

16 (3) Trespasses on school grounds.

17 (4) Is repeatedly at large or unrestrained.

18 (5) Damages private or public property.

19 (6) Barks, whines, howls or makes other sounds
20 common to its species in excess.

21 RABIES VACCINATION. The injection, by a licensed
22 veterinarian, of a dog, cat or other animal with a rabies
23 vaccine licensed by the U.S.D.A. and approved by the Indiana
24 State Board of Animal Health.

25 RESTRAINT. Any animal secured by a leash or lead, or
26 under the physical control of the animal's owner or attending
27 party, or within the real property limits of its owner.

28 RIDING SCHOOL or STABLE. Any place which has available
29 for hire, boarding or riding instruction, any horse, pony,
30 donkey, mule or burro.

31 RODEO. A performance featuring bronco riding, steer
32 wrestling, calf roping, greased pig contest or bull riding.

SHELTER MANAGER. The Shelter Manager for the Fort Wayne
Department of Animal Control.

1 VETERINARY HOSPITAL. Any establishment maintained and
2 operated by a licensed veterinarian for the purpose of
3 hospitalization of animals or the diagnosis and treatment of
4 diseases and injuries of animals.

5 WILD ANIMAL. Any living vertebrate animal normally found
6 in the wild state.

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14 (A) The fee schedule for the Department of Animal
15 Control is hereby approved and ratified as follows:

<u>Return to Owner</u>	<u>City</u>	<u>Non-City</u>
First redemption	\$ 10	\$ 15
Second redemption	25	30
Third redemption	75	80
Fourth and subsequent redemption(s)	75	80
Daily boarding fee after third stray day*	7	9
Medical	5	5
Trap deposit	25	N/A
rental (per day)	1	N/A
Pick-up owned animal	10	N/A
Euthanasia (B-60)	10	25
10 day Quarantine (per day)	5	7
After quarantine period (per day)	7	9
Microchip Fee	10	10
Adoption	50	55

Impounds

Reasons of fire, death,
accident, acts of God, etc. n/c for three days after
notification to pick-up
animal then \$7 per day
(\$9 per day for county)

Reasons of arrest, seized
for abuse, cruelty,
abandonment, court \$7 per day (with \$7
cases, etc. minimum) (\$9 per
day for county)

Replacement pet permit
(all classifications) 2 N/A

UPS shipping 4 25

*Owner's request that Animal Control hold stray animal longer
than the three day stray period must be approved by
management.

§ 91.034 DANGEROUS ANIMALS PROHIBITED.

Section 91.034 (A) (1) of the City of Fort Wayne Code of
Ordinances is amended as follows:

(A) Ownership/possession prohibited. No person shall
own, keep, or harbor a dangerous animal within the city;
provided, this section shall not apply to animals under the
control of a law enforcement or military agency. For the
purpose of this chapter, an animal may be declared dangerous
by the Shelter Manager if the animal exhibits vicious behavior
in present or past conduct, including but not limited to:

(1) (a) Evidence that the animal has, without
provocation, bitten or attacked a person and/or animal three
times in a consecutive 12-month period; or

1 (b) Did bite or attack, once causing wounds or
2 injuries creating a potential danger to the health or life of
3 the victim; or

4 (c) Could not be controlled or restrained at
5 the time of a bite or attack upon an animal or person; or

6 (d) The animal has been microchipped by a
7 licensed veterinarian or the Department of Animal Control for
8 the purpose of determining a positive occurrence of a prior
9 bite or attack; and

10 (2) That in order to preserve the public health,
11 safety and welfare of the community the destruction of said
12 animal is necessary.

13 § 91.035 BITING ANIMALS; REPORT; PROCEDURE.

14 Section 91.035 (B) of the City of Fort Wayne Code of
15 Ordinances is amended as follows:

16 (B) (1) During the quarantine period, the owner must
17 provide a current rabies vaccination certificate for his or
18 her cat or dog that is being quarantined. If proof of
19 vaccination cannot be supplied, the animal will be vaccinated
20 by a veterinarian at the owner's expense before release.

21 (2) If the animal is quarantined at the shelter a
22 microchip shall be implanted in it prior to its release from
23 quarantine. The animal shall be registered for its life with
24 the Department of Animal Control. The cost of the implant
25 shall be at the owner's expense before release.

26 (3) If the animal is quarantined in a place other
27 than the shelter, as determined by the Department of Animal
28 Control, a microchip shall be implanted in it within 30 days
29 following the animal's release from quarantine. The animal
30 shall be registered for its life with the Department of Animal
31 Control. The cost of the implant and registry shall be at the
32 owner's expense.

(4) The microchip, used for these quarantine
provisions, shall be numbered. This number will provide entry

1 into a data base that contains the animal's bite history. The
2 microchip shall be contained in a sterilized implanting device
3 and shall be individually packaged.

4 (5) The microchip and its corresponding
5 registration history shall be considered prima-facie evidence
6 for any future dangerous animal determination in accordance
7 with Section 91.034 Dangerous Animals, of this ordinance.

8 § 91.050 PET REGISTRATION REQUIRED; EXCEPTION; TAGS;
9 MICROCHIP IMPLANT

10 (A) Any person owning, keeping, harboring or having
11 custody of any dog or cat over the age of six months must
12 obtain a pet registration for such animal; provided, however,
13 that no pet registration shall be required of any animal
14 welfare organization, municipal animal control facility or
15 governmental agency, or guide dog. Animals belonging to those
16 agencies or persons will be issued complimentary registration
17 tags.

18 (B) A durable tag stamped with registration number and
19 year of issuance will be provided to pet registration holders
20 for each registration granted. Dogs and cats must wear their
21 tags at all times on their collars, except when involved in
22 any organized show, obedience demonstration, training
23 situation or under the care of a licensed veterinarian.

24 (C) Any person owning any dog or cat may, in addition to
25 the animal's registration, obtain a microchip implant for the
26 dog or cat. In no case shall the microchip implant replace
27 the requirement for the annual registration of a dog or cat
28 with the Department of Animal Control

29 (D) Any person owning any dog or cat which has been
30 implanted with a microchip shall transfer the microchip
31 registration with the Fort Wayne Department of Animal Control
32 upon sale, trade, barter, gift or transfer of the animal.

§ 91.051 APPLICATION FOR REGISTRATION; OR PERMITS OR
MICROCHIP IMPLANT

(A) Application for registration or permits may be made at the Department of Animal Control or designated facility, or by mail, and shall include the name, address of applicant, type of permit applied for, number and description of animal(s), proof of rabies vaccination, information regarding sterilization and appropriate fee.

(B) Registration and permits are to be issued for a term of one year, commencing with the date of issuance. Microchip implants may be registered for the life of the animal with the Department of Animal Control.

(C) Upon issuance, the Department of Animal Control shall issue a registration or permit in written form which includes the number of the registration or permit, type of registration. In addition, the Department of Animal Control shall issue a durable tag stamped with the registration number and year of issuance for each pertinent registration. Additionally, a durable tag will be issued for an animal that has received a microchip implant upon national registration by the pet owner. The tag will have a corresponding number to that of the implanted microchip and will display a national, toll free, 24 hour, 7 days per week telephone number for the purpose of animal and owner identification.

(D) The Department of Animal Control shall maintain records of the identifying registration/permit number.

(E) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat over the age of six months with current pet registration as provided in this section. The owner of any dog or cat, which dog or cat is over the age of six months, must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in § 91.075. No permit shall be issued unless proof of vaccination against rabies is shown at the time of application for the permit. Any owner of

1 such animal who moves into the city for purposes of
2 establishing a residence or residing or who becomes a resident
3 as result of annexation shall have 30 days in which to obtain
4 the permit required by this chapter.

5 **§ 91.056 MINOR BREEDERS PERMIT.**

6 Section 91.056 (A) of the City of Fort Wayne Code of
7 Ordinances is amended as follows:

8 (A) A minor breeder's permit shall be obtained by:

9 (1) Any person who intentionally or accidentally
10 causes the breeding of a cat or dog or makes a cat or dog
11 available for breeding purposes; or

12 (2) Any person who offers for sale, sells, trades,
13 receives other compensation or gives away any litters of dogs
14 or cats; excepting a litter of dogs or cats taken to the
15 Department of Animal Control;

16 (3) Any owner or person having custody of a dog or
17 cat that has delivered a litter or caused the delivery of a
18 litter, who chooses not to relinquish the animal to the
19 Department of Animal Control and also chooses not to have the
20 animal spayed or neutered shall cause the animal to be
21 implanted with a microchip and to register this dog or cat
22 within 30 days of having received notice to accomplish this
23 procedure from the Department of Animal Control.

24 **§91.105 DIRECTOR OF PUBLIC SAFETY/ANIMAL CONTROL COMMISSION.**

25 Section 91.105 (H) (13) of the City of Fort Wayne Code of
26 Ordinances be amended as follows:

27 (H) (13) to provide that all dogs and/or cats
28 released for adoption shall be spayed or neutered, implanted
29 with an electronic microchip, and provisions made for a
30 program to monitor said spay/neuter and microchip plan.
31
32

§91.107 IMPOUNDMENT; REDEMPTION

Section 91.107 (F) of the City of Fort Wayne Code of Ordinances is amended as follows:

(F) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:

(1) Proof of ownership, and

(2) Payment of redemption fee and any other service/medical fees, as approved by the Director.

(3) It shall be mandatory that any dog or cat not displaying a current City pet permit affixed to it's collar, after the effective date of this ordinance, upon its redemption by its owner, and prior to its release by the Department of Animal Control, be implanted with a microchip and registered for purposes of identification and recovery. The cost for this process shall be at the owner's expense before the animal's release.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 3. That this Ordinance shall be in full
force and effect from and after its passage, and any and all
necessary approval by the Mayor and due legal publication
thereof.


Council Member
REBECCA J. RAVINE

Read the third time in full and on motion by Edmonds, and duly adopted,
placed on its passage. PASSED by the following vote:

AYES: Five
Edmonds, Henry, Long, Lunsey, Talarico

NAYS: Two
Ravine, Schmidt

ABSTAINED: None

ABSENT: Two
Bradbury, GiaQuinta

DATED: 6-13-95

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as General Ordinance No. G-16-95 on the 13th day of June, 1995

ATTEST

SEAL

Sandra E. Kennedy
City Clerk

Don J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
14th day of June, 1995, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 14th day of June, 1995, at the hour of
1:00 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of

General _____ Ordinance No. G-16-95,
passed by the Common Council on the 13th day of
June, 1995, and that said Ordinance was
duly signed and approved by the Mayor on the 14th day of
June, 1995, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 14th day of June, 1995.

SEAL


SANDRA E. KENNEDY, CITY CLERK

FV COUNTY, INDIANA
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

636 lines, 1 columns wide equals 636 equivalent lines
 at 495 cents per line \$ 253.95

Additional charge for notices containing rule or tabular work
 (50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM

\$ 254.95

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Angelynn S. Marsden
 Clerk

Date: JUNE 29, 1995

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
 Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned ANGELYNN S. MARSDEN who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:

6-22-23-1995

Angelynn S. Marsden
 subscribed and sworn to before me this 29th day of June, 1995

My commission expires:

MARY L. ADKISON Notary Public
 NOTARY PUBLIC STATE OF INDIANA
 ALLEN COUNTY
 MY COMMISSION EXP. JUNE 14, 1997

LEGAL NOTICE

Notice is hereby given that on the 10th day of June, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session and following Bill No. G-18-85-to:—General Ordinance No. G-18-85-to:

BILL NO. G-18-85-to:

GENERAL ORDINANCE NO. G-18-85

AN ORDINANCE AMENDING CHAPTER 91 OF THE CITY OF FORT WAYNE CODE OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 91 of the City of Fort Wayne Code of Laws be amended as follows:

CHAPTER 91 ANIMAL CONTROL GENERAL PROVISIONS

Sub Section 1.001 DEFINITIONS.

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

GENERAL ORDINANCE NO. G-18-85

ANIMAL. Any living vertebrate, domestic or wild, except a human being.

ALTERED ANIMAL. An animal that has been operated on to prevent it from procreating.

ANIMAL. Any living vertebrate, domestic or wild, except a human being.

ANIMAL CONCESSION. Any person, group of persons, partnership, or corporation who concession has any animal available for hire on display.

ANIMAL CONTROL COMMISSION. The Animal

Control Commission shall be an advisory Commission with regard to Policy and those decisions affecting the Department of Animal Control.

ANIMAL WELFARE ORGANIZATION. Any not-for-profit organization for the prevention of cruelty to animals incorporated under state laws.

AUCTION. Any place or facility where animals are regularly bought, sold or traded, except for those less than otherwise defined in this chapter or by state law.

BREEDER. Any person who intentionally or accidentally causes the breeding of a cat or mixes a cat or dog available for breeding purposes, or any person who offers for sale, sells, trades, receives other persons or gives away any litter of dogs or cats, accepting a litter of dogs or cats from the Department of Animal Control.

CATTERY. Any person or group of persons, partnership, or corporation who concession has any animal available for hire on display.

COMMERCIAL ANIMAL EXHIBIT. Display or show of wild or domestic animals in a shopping center, retail establishment, amusement park, or elsewhere, for the purpose of promoting retail sales.

DEPARTMENT OF ANIMAL CONTROL OR DEPARTMENT. The municipality owned facility established for the purpose of animal control, care and disposition, as defined in this chapter, operated by and under the direct supervision of the Director of the Department of Animal Control.

DIRECTOR. The Director of the Division of Public Safety for the city.

GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUIDE DOGS. Dogs trained to assist the handicapped.

KENNEL. Any person, group of persons, partnership or corporation engaged in keeping more than three unaltered dogs, or the business of boarding, or training for a fee, or grooming.

MICROCHIP IMPLANT. A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of animals by their owners.

MICROCHIP READER. An electronic device that detects any implanted microchip.

OWNER. A person having the right of property or custody of a dog or cat or who leases or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

PERSON. An individual, firm, corporation or commercial establishment.

PET. Any animal owned or harbored by any person, group of persons, partnership or corporation, except guide dogs, or police or canine governmental dogs.

PET SHOP. Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeder, that buys, sells or offers for sale any species of animal.

PUBLIC NUISANCE. Any animal which:

- (1) Interferes with passersby or passing vehicles.
- (2) Attacks other animals or persons.
- (3) Trespasses on school grounds.
- (4) Is repeatedly at large or unrestrained.
- (5) Damages private or public property.
- (6) Barks, whines, howls or makes other sounds common to its species in excess.

RABIES VACCINATION. The injection, by a licensed veterinarian, of a dog, cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

RESTRAINT. Any animal secured by a leash or lead, or under physical control of the animal's owner or attending party, or within the real property limits of its owner.

RIDING SCHOOL OR STABLE. Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, grassed pig contest or bull riding.

SHELTER MANAGER. The Shelter Manager for the Fort Wayne Department of Animal Control.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL. Any living vertebrate animal normally found in the wild state.

ZOOLOGICAL PARK. Any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of non-domestic animals, operated by a person, partnership, corporation or government agency.

Sub Section 1.003 SCHEDULE OF FEES FOR DEPARTMENT OF ANIMAL CONTROL.

Section 1.003 (A) Of City of Fort Wayne Code of Ordinances is amended as follows:

(A) The fee schedule for the Department of Animal Control is hereby approved and shall be as follows:

Return to Owner City Non-City

First redemption \$ 10 \$ 15

Second redemption 25 30

Third redemption 75 80

Fourth and subsequent redemption (s) 75 80

Daily boarding fee after third day 7 9

Medical 5 5

Trap deposit 25 N/A

rental (per day) 1 N/A

Pick-up owned animal 10 N/A

Euthanasia (B-50) 10 25

10 day Quarantine (per day) 5 7

After quarantine (per day) 7 9

Microchip Fee. 10 10

Adoption 50 50

Impounds

Reasons of fire, death, accident, acts of God, etc.

n/c for three days after notification to pick-up animal then \$1 per day (\$8 per day for county)

pertho or corporation engaged in keeping more than three unaltered cats.

CIRCUS. A commercial variety show including animal acts for public entertainment.

COMMERCIAL ANIMAL EXHIBIT. Display or show of wild or domestic animals in a shopping center, retail establishment, amusement park, or elsewhere, for the purpose of promoting retail sales.

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MICROCHIP IMPLANT. A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of animals by their owners.

MICROCHIP READER. An electronic device that detects any implanted microchip.

OWNER. A person having the right of property or custody of a dog or cat or who leases or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

PERSON. An individual, firm, corporation or commercial establishment.

PET. Any animal owned or harbored by any person, group of persons, partnership or corporation, except guide dogs, or police or canine governmental dogs.

PET SHOP. Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeder, that buys, sells or offers for sale any species of animal.

PUBLIC NUISANCE. Any animal which:

- (1) Interferes with passersby or passing vehicles.
- (2) Attacks other animals or persons.
- (3) Trespasses on school grounds.
- (4) Is repeatedly at large or unrestrained.
- (5) Damages private or public property.
- (6) Barks, whines, howls or makes other sounds common to its species in excess.

RABIES VACCINATION. The injection, by a licensed veterinarian, of a dog, cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

RESTRAINT. Any animal secured by a leash or lead, or under physical control of the animal's owner or attending party, or within the real property limits of its owner.

RIDING SCHOOL OR STABLE. Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, grassed pig contest or bull riding.

SHELTER MANAGER. The Shelter Manager for the Fort Wayne Department of Animal Control.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL. Any living vertebrate animal normally found in the wild state.

ZOOLOGICAL PARK. Any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of non-domestic animals, operated by a person, partnership, corporation or government agency.

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10 day Quarantine (per day) 5 7

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Reasons of fire, death, accident, acts of God, etc.

n/c for three days after notification to pick-up animal then \$1 per day (\$8 per day for county)

Reasons of arrest, seized for abuse, cruelty, abandonment, court cases, etc. (with \$7 per day (with \$7 minimum stay)

Replacement pet permit (if classification) 2

UPS shipping 4

*Owner's request that Animal Control hold animals there for the three day period, approved by management.

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MICROCHIP IMPLANT. A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of animals by their owners.

MICROCHIP READER. An electronic device that detects any implanted microchip.

OWNER. A person having the right of property or custody of a dog or cat or who leases or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

PERSON. An individual, firm, corporation or commercial establishment.

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- (1) Interferes with passersby or passing vehicles.
- (2) Attacks other animals or persons.
- (3) Trespasses on school grounds.
- (4) Is repeatedly at large or unrestrained.
- (5) Damages private or public property.
- (6) Barks, whines, howls or makes other sounds common to its species in excess.

RABIES VACCINATION. The injection, by a licensed veterinarian, of a dog, cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

RESTRAINT. Any animal secured by a leash or lead, or under physical control of the animal's owner or attending party, or within the real property limits of its owner.

RIDING SCHOOL OR STABLE. Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, grassed pig contest or bull riding.

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WILD ANIMAL. Any living vertebrate animal normally found in the wild state.

ZOOLOGICAL PARK. Any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of non-domestic animals, operated by a person, partnership, corporation or government agency.

Sub Section 1.003 SCHEDULE OF FEES FOR DEPARTMENT OF ANIMAL CONTROL.

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Pick-up owned animal 10 N/A

Euthanasia (B-50) 10 25

10 day Quarantine (per day) 5 7

After quarantine (per day) 7 9

Microchip Fee. 10 10

Adoption 50 50

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Reasons of fire, death, accident, acts of God, etc.

n/c for three days after notification to pick-up animal then \$1 per day (\$8 per day for county)

Reasons of arrest, seized for abuse, cruelty, abandonment, court cases, etc. (with \$7 per day (with \$7 minimum stay)

Replacement pet permit (if classification) 2

UPS shipping 4

*Owner's request that Animal Control hold animals there for the three day period, approved by management.

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nership or corporation engaged in keeping more
than three unrelated cats.

CIRCUS. A commercial venture show including ani-
mal acts for public entertainment.

COMMERCIAL ANIMAL EXHIBIT. Display or show
of wild or domestic animals in a shopping center, re-
tail establishment, adjacent lot, or elsewhere, for the
purpose of promoting retail sales.

DEPARTMENT OF ANIMAL CONTROL OR DEPART-
MENT. The municipally owned facility established for
the purpose of animal control, care and disposition,
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the direct supervision of the Director of the Division
of Public Safety and the Shelter Manager.

DIRECTOR. The Director of the Division of Public
Safety for the city.

GROOMING SHOP. A commercial establishment
where animals are bathed, clipped, plucked or other-
wise groomed.

GUIDE DOGS. Dogs trained to assist the handi-
capped.

KENNEL. Any person, group of persons, partnership
or corporation engaged in keeping more than three
unrelated dogs, or the business of boarding, or train-
ing for sale, or grooming.

MICROCHIP IMPLANT. A passive electronic device
that is injected into an animal by means of a pre-
packaged sterilized implanting device for purposes
of identification and/or the recovery of animals by
their owners.

MICROCHIP READER. An electronic device that de-
tects any implanted microchip.

OWNER. A person having the right of property or
custody of a dog or cat or who keeps or harbors a
dog or cat or knowingly permits a dog or cat to re-
main on or about any premises occupied by that
person.

PERSON. An individual, firm, corporation or com-
mercial establishment.

PET. Any animal owned or harbored by any person,
group of persons, partnership or corporation, except
guide dogs, or police or service governmental dogs.

PET SHOP. Any person, group of persons, part-
nership or corporation, whether operated separately or
in connection with another business enterprise, ex-
cept a licensed cattery, animal or breeders, that
buys, sells or offers for sale any species of animal.

PUBLIC NUISANCE. Any animal which:

- (1) Interacts with passerby or passing vehicles.
- (2) Attacks other animals or persons.
- (3) Trespasses on school grounds.
- (4) Is repeatedly at large or unrestrained.
- (5) Carries garbage or public property.
- (6) Barks, whines, howls or makes other sounds
common to its species in excess.

RABIES VACCINATION. The injection, by a licensed
veterinarian, of a dog, cat or other animal with a ra-
bies vaccine licensed by the U.S.D.A. and approved
by the Indiana State Board of Animal Health.

RESTRAINT. Any animal secured by a leash or lead,
or under physical control of an animal's owner or at-
tending party, or within the real property limits of its
owner.

RODING SCHOOL OR STABLE. Any place which has
available for hire, boarding or riding instruction,
horse, pony, donkey, mule or burro.

RODEO. A performance featuring bronco riding,
steer wrestling, calf roping, greater pig contest or
bull riding.

SHELTER MANAGER. The Shelter Manager for the
Fort Wayne Department of Animal Control.

VETERINARY HOSPITAL. Any establishment main-
tained and operated by a licensed veterinarian for
the purpose of hospitalization of animals and the diag-
nosis and treatment of diseases and injuries of all
wild animals.

WILD ANIMAL. Any living vertebrate animal nor-
mally found in the wild states.

ZOOLOGICAL PARK. Any permanent facility or op-
eration other than a pet shop, displaying or exhib-
iting one or more species of non-domestic animals,
operated by a person, partnership, corporation or
government agency.

Sub Section 91.003 SCHEDULE OF FEES FOR DE-
PARTMENT OF ANIMAL CONTROL.

Section 91.003 (A) of the City of Fort Wayne Code
of Ordinances is amended as follows:

(A) The fee schedule for the Department of Animal
Control is hereby approved and ratified as follows:

Return to Owner	City	Non-City
First redemption	\$ 10	\$15
Second redemption	25	30
Third redemption	75	80
Fourth and subsequent redemption (4)	75	80
Daily boarding fee after third day's fee	7	9
Medical	5	5
Trap deposit	25	N/A
ransit (per day)	1	N/A
Pick-up animal	10	N/A
Euthanasia (B-50)	10	25
10 day Quarantine (per day)	5	7
After quarantine period (per day)	7	9
Microchip fee	10	10
Adoption	50	50
Impounds		

Reasons of fire, death,
accident, acts of God, etc.
n/c for three days after
notification to pick-up
animal then \$7 per day
(\$9 per day for county)

Reasons of arrest, seized
for cruelty,
surrenderment, court
cases, etc.
\$7 per day (with \$5
minimum) (\$9 per
day for county)

Replacement pet permit
(all classifications)

UPS shipping

*Owner's request that Animal Control hold stray ani-
mal longer than three day stray period must be
approved by management.

Sub Section 91.034 DANGEROUS ANIMALS PRO-
HIBITED

Section 91.034 (A) (1) of the City of Fort Wayne
Code of Ordinances is amended as follows:

(A) Ownership/possession prohibited. No person
shall own, keep, or harbor a dangerous animal within
the city; provided, this section shall not apply to ani-
mals under the control of a law enforcement or mili-
tary agency. For the purpose of this chapter, an ani-
mal may be declared dangerous by the Shelter Man-
ager if the animal exhibits vicious behavior in present
or past conduct, including but not limited to:

- (1) Evidence that the animal has, without provo-
cation, bitten or attacked a person and/or animal three
times in a consecutive 12-month period; or
- (2) Did bite or attack, once causing wounds or in-
juries creating a potential danger to the health or life of
the victim;
- (3) Could not be controlled or restrained at the time
of bite or attack upon an animal or person; or
- (4) The animal has been microchipped by a licensed
veterinarian for the purpose of identification of a
prior bite or attack; and

(2) That in order to preserve the public health, safe-
ty and welfare of the community the destruction of
said animal is necessary.

Sub Section 91.035 BITING ANIMALS; REPORT;
PROCEDURE

Section 91.035 (B) of the City of Fort Wayne Code
of Ordinances is amended as follows:

(B) (1) During the quarantine period, the owner
must provide a current rabies vaccination certificate
for his or her cat or dog that is being quarantined. If
proof of vaccination cannot be supplied, the animal will
be vaccinated by a veterinarian at the owner's
expense before release.

(2) If the animal is quarantined at the shelter a mi-
crochip shall be implanted in it prior to its release
from quarantine. The animal must be registered with
its life with the Department of Animal Control. The
cost of the implant shall be the owner's expense
before release.

(3) If the animal is quarantined in a place other than
the shelter, as determined by the Department of Ani-
mal Control, a microchip shall be implanted in it with-
in 30 days of the animal's confinement from quaran-
tine. The animal shall be registered for its life with
the Department of Animal Control. The cost of the
implant and registry shall be at the owner's expense.
(4) The microchip used for these quarantine pro-
visions shall be numbered, and the number will provide
entry into a data base that contains the animal's iden-
tifying data. The microchip shall be contained in a steri-
lized implanting device and shall be individually per-
muted.

Sub Section 91.035 (B) of the City of Fort Wayne
Code of Ordinances is amended as follows:

(B) The microchip and its associated registration
history shall be considered prima-facie evidence for
any future dangerous animal determination in ac-
cordance with Section 91.034 Dangerous Animals,
of this ordinance.

Sub Section 1.050 PET REGISTRATION REQUIRED;
EXCEPTION TAGS; MICROCHIP IMPLANT

(A) Any person owning, keeping, harboring or hav-
ing custody of any dog or cat over the age of six
months must obtain a pet registration for such ani-
mal; provided, however, that no pet registration shall
be required of any animal welfare organization, munici-
pal animal control facility or governmental agency,
or guide dogs. Animals belonging to those agen-
cies or persons will be issued complimentary registra-
tion tags.

(B) A durable tag stamped with registration number
and year of issuance will be provided to pet registra-
tion holders for each registration granted. Dogs and
cats must wear their tags at all times on their collars,
except when involved in any organized show, obedi-
ence demonstration, training situation or under the
care of a licensed veterinarian.

(C) Any person owning any dog or cat may, in ad-
dition to the animal's registration, obtain a microchip
implant for the dog or cat. In no case shall the micro-
chip implant replace the requirement for the annual
registration of a dog or cat with the Department of
Animal Control.

(D) Any person owning any dog or cat which has
been implanted with a microchip shall transfer the
microchip registration to the Fort Wayne Depart-
ment of Animal Control upon sale, trade, breed, gift
or transfer of the animal.

Sub Section 91.051 APPLICATION FOR REGIS-
TRATION; OR PERMITS OR MICROCHIP IMPLANT

(A) Application for registration or permits may be
made at the Department or designee of the Depart-
ment, by mail, or by mail, and shall include the name,
address of applicant, type of permit applied for,
number and description of animal(s), proof of ra-
bies vaccination, information regarding sterilization
and appropriate fee.

(B) Registration and permits are to be issued for a
term of one year, commencing with the date of issuance.
Microchip implants may be registered for the
life of the animal with the Department of Animal Control.

(C) Upon issuance, the Department of Animal Control
shall issue a registration or permit in written form,
which includes the number of the registration or per-
mit, type of registration. In addition, the Department
of Animal Control shall issue a durable tag stamped
with the registration number and year of issuance for
each registration registered. Additionally, a durable
tag will be issued for an animal that has received a
microchip implant upon national registration by the
pet owner. The tag will have a corresponding num-
ber to that of the implanted microchip and will dis-
play a national, toll free, 24 hour, 7 days per week
telephone number for the purpose of animal and
owner identification.

(D) The Department of Animal Control shall main-
tain records of the identifying registration/permit
number.

(E) It shall be unlawful for any owner of any dog or
cat to fail to provide any dog or cat over the age of
six months with current pet registration as provided
in this section. The owner of any dog or cat, which
dog or cat is over the age of six months, must also
have a rabies vaccination current rabies vaccination
tag showing that such animal has been vaccinated
such animal who moves into the city for purposes of
establishing a residence or residing or who becomes
a resident as result of annexation that has 30 days
in which to obtain the permit required by this chap-
ter.

Sub Section 91.056 MINOR BREEDERS PERMIT.

Section 91.056 (A) of the City of Fort Wayne Code
of Ordinances is amended as follows:

(A) A minor breeder's permit shall be obtained by:

- (1) Any person who instantaneously or accidentally
causes the breeding of a cat or dog or makes a cat
or dog available for breeding purposes; or
- (2) Any person who offers for sale, sells, trades, re-
ceives offer compensation or gives away any dog or
cat of dogs excepting a litter of dogs taken to the
Department of Animal Control;
- (3) Any owner or person having custody of a dog or
cat that has delivered a litter or caused the delivery
of a litter, who chooses not to relinquish the animal
to the Department of Animal Control and also
chooses not to have the animal spayed or neutered
shall cause the animal to be implanted with a micro-
chip and to register this dog or cat within 30 days of
having received notice to accomplish this procedure
from the Department of Animal Control.

Sub Section 91.105 DIRECTOR OF PUBLIC SAFETY/
ANIMAL CONTROL COMMISSION.

Section 91.105 (H) (13) of the City of Fort Wayne
Code of Ordinances is amended as follows:

(H) (13) to provide that all dogs and/or cats re-
leased for adoption shall be spayed or neutered, im-
planted with an electronic microchip, and provisions
for a program to monitor the microchip and
microchip plan.

Sub Section 91.107 IMPOUNDMENT; REDEMPTION

Section 91.107 (F) of the City of Fort Wayne Code
of Ordinances is amended as follows:

(F) A person may reclaim an animal in the custody
of the Department of Animal Control upon providing
the following:

- (1) Proof of ownership, and

(2) Payment of redemption fee and any other ser-
vice/medical fees, as approved by the Director.

(3) It shall be mandatory that any dog or cat not
receiving a current City pet permit when taken to a col-
lar, after the effective date of this ordinance, upon its
redemption by its owner, and prior to its release to
the Department of Animal Control, be implanted with
a microchip and registered for its life with the De-
partment of Animal Control. The cost for this process shall
be at the owner's expense before the animal's release.

SECTION 2. The invalidity of any action, sentence,
clause, paragraph, part or provision of this Ordinance
shall not affect the validity of any other section,
sentence, clause, paragraph, part or provision of
this Ordinance which can be given meaning with-
out such invalid part or parts.

All Ordinances or parts of Ordinances and sections
of the Municipal Code of the City of Fort Wayne in
conflict herewith are hereby repealed.

SECTION 3. That this Ordinance shall be in full force
and effect from and after its passage, and any and
all necessary approval by the Mayor and due legal
publication thereof.

Council Member
REBECCA J. RAYNE

Read the third time in full and on motion by Ed-
monds, and duly adopted, record on its passage.
PASSES BY THE FOLLOWING VOTE:

AYES: Five

Edmonds, Henry, Long, Lunney, Talanco NAYS:

ABSENT: Two

Rayns, Schmidt ABSTAINED: None

ASSENT: Two

Brachy, GioQuinta

DATED: 6-13-95

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the
City of Fort Wayne, Indiana, on General Ordinance
No. G-15-95 on the 13th day of June, 1995.

ATTEST:

Sandra E. Kennedy
City Clerk

Don J. Schmidt
Pressing Officer

Presented by me to the Mayor of the City of Fort
Wayne, Indiana, on the 13th day of June, 1995,
at the hour of 11:30 o'clock A.M.E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me the 14th day of June,
1995, at the hour of 1:00 o'clock P.M.E.S.T.

Paul Helms
Mayor

I, the Clerk of the City of Fort Wayne, Indiana do
hereby certify that the above and signed is a full
true and complete copy of General Ordinance No.
G-15-95 passed by the Common Council on the
13th day of June, 1995, and the Ordinance Ordinance
was duly signed and approved by the Mayor on the
14th day of June, 1995, and now remains on file and
on record in my office.

WITNESS My hand and seal the official seal of the
City of Fort Wayne, Indiana, this 14th day of
June, 1995.

Sandra E. Kennedy, CITY CLERK

950811 (Part 4 of 4 9507)

dates of publication being as follows:

9-1995

J. Helms

ne this 29th day of June, 1995

Notary Public

MARY L. ADKISON

RY PUBLIC STATE OF INDIANA

ALLEN COUNTY

OMMISSION EXP JUNE 14, 1997

Revised (1987)

Dr.

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